REMARKS

Claim 1 is amended. Claims 6-21 were previously canceled without prejudice or disclaimer. No new matter is added by these amendments. Claims 1-5 and 22-25 are pending. By amending and canceling the claims, applicant is not conceding that the claims are non-statutory under 35 U.S.C. 101, 102, 103, and 112 and is not conceding that the claims are unpatentable over the references cited by the Office Action, as the claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue the subject matter of the claims as it existed prior to any amendment or cancellation and to purse other claims in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Claim Rejections under 35 U.S.C. 101

Claims 1-5 and 22-25 are rejected under 35 U.S.C. 101 because the claims "recite a (mental) process." Applicant respectfully traverses these grounds for rejection because claim 1 recites: "sending the associated recommended offering and an identification of a marketing channel to the client and sending a notification to the marketing channel," which transforms the client and the marketing channel into a different state, so claim 1 is statutory under 35 U.S.C. 101. Claims 2-5 and 22-25 are statutory under 35 U.S.C. 101 for depending on claim 1.

Claim Rejections under 35 U.S.C. 102

Claims 1-5 and 22-25 are rejected under 35 U.S.C. 102(e) as anticipated by Lee (U.S. Patent No. 6,718,489 B1). Applicant respectfully submits that the claims are patentable over Lee because Lee does not teach or suggest all elements of the claims for the reasons argued below.

Claim 1 recites: "receiving data from a client upon an occurrence of an event, wherein the data comprises a plurality of fields, and wherein the event is selected from a group consisting of installation of hardware at the client, installation of software at the client, detection of a performance problem at the client, and detection of an error at the client; ... when the plurality of conditions are met by the comparing of the values in the subset of the plurality of fields to the plurality of thresholds, sending the associated recommended offering and an identification of a marketing channel to the client," which is not taught or suggested by Lee for the reasons argued below."

In contrast to claim 1, Lee at column 3, lines 3-9 recites: "ELECTRONIC SERVICE REQUEST: A data packet containing information on system or application errors. This packet is initiated automatically by an ESR Generator, which sends it to a Formatter program for data formatting. The Formatter program sends the packet electronically to the Central Service, which in turn sends it to the Remote Communications Interface (RCI) for action and resolution," and Lee at column 4, lines 50-54 recites: "When the Generator detects an event that meets a predefined set of conditions, the Generator extracts information from the Event Log and sends it to a Formatter program for proper data formatting." Thus, in Lee "information on system or application errors" that occur at the "application A," "application B," and "application C" (Fig. 1A) is sent to the ESR Generator 24 via the NT event Log 23 (Fig. 1A), and if "an event ... meets a predefined set of conditions," the ESR Generator 24 extracts information from the NT Event Log 23 and sends it to the ESR Formatter 26."

Thus, Lee sends its "information on system or application errors" to the ESR Formatter 26 and not to the Applications A, B, or C, so Lee never sends an offering to a client and thus does not teach or suggest "sending the associated recommended offering .. to a client" from which the data was received "upon an occurrence of an event," as recited in claim 1. Thus, Lee does not teach or suggest "receiving data from a client upon an occurrence of an event, wherein the data comprises a plurality of fields, and wherein the event is selected from a group consisting of installation of hardware at the client, installation of software at the client, detection of a performance problem at the client, and

detection of an error at the client; ... when the plurality of conditions are met by the comparing of the values in the subset of the plurality of fields to the plurality of thresholds, sending the associated recommended offering and an identification of a marketing channel to the client," as recited in claim 1.

Claims 2-5 and 22-25 are dependent on claim 1 and are patentable over Lee for the reasons argued above, plus the elements in the claims.
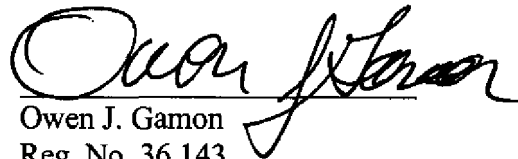
Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

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